

Virginia Coastal Resources Management Program Public Notice of Updates to the Enforceable Policies of the Program for which Federal Consistency will apply effective June 12, 2006.

Notice of intended action: This public notice is to inform interested parties that the Virginia Coastal Resources Management Program's enforceable policies have been updated and incorporated into the Program.

Purpose of the notice: The Coastal Zone Management Act (15 C.F.R. §923.84) requires state Coastal Zone Management Programs to formally incorporate changes made to the laws and policies that are used for Federal Consistency. The changes discussed here were previously made to the individual policies and are now formally incorporated into the Virginia Coastal Resources Management Program. These updates are considered to be Routine Program Changes, and therefore do not significantly affect the (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization or (5) coordination, public involvement and national interest components of the Virginia Coastal Resources Management Program. The National Oceanic and Atmospheric Administration has concurred with the revised provisions discussed below and has approved their incorporation into the Program. Federal consistency shall apply to the revised provisions effective June 12, 2006. A summary of the updates to the Virginia Coastal Resources Management Program is as follows:

- (1) Virginia Subaqueous Lands Management (Code of Virginia Title 28.2, Chapter 12, Sections 1200 through 1213) -** This Program Change incorporates the revised Subaqueous Lands Management statutes into the Program.
- (2) Virginia Water Protection Permit Program Law (State Water Control Law) (Code of Virginia Title 62.1, Chapter 3.1, Sections 44.3; 44.5; 44.15; 44.15:5; 44.15:6 and 44.23) -** This Program Change incorporates the Virginia Water Protection Permit Program statutes into the Program. These sections do not apply to federal agencies except as federal agencies are required to comply with state water quality laws under the federal Clean Water Act. Otherwise, federal agencies are only required to be consistent to the maximum extent practicable with the Virginia CZMA enforceable policies under CZMA section 307(c)(1) and (2) and 15 C.F.R. part 930, subpart C.
- (3) Virginia Water Protection Permit Program Regulations (9 VAC 25-210-10 et seq.) -** This Program Change incorporates the revised Water Protection Permit Program regulations into the Coastal Resource Management Program.

To review documents: The text of these changes as well as an analysis of their implication to the Virginia Coastal Resources Management Program is available on the Virginia Coastal Resources Management Program's web site beginning June 12, 2006 at www.deq.virginia.gov/coastal

If you require paper copies of any of these documents, please contact the Virginia Coastal Resources Management Program through Rachel Bullene at (804) 698-4122.